

1 W. West Allen, Esq.
Nevada Bar No. 5566
2 Jonathan W. Fountain, Esq.
Nevada Bar No. 10351
3 HOWARD & HOWARD ATTORNEYS PLLC
3800 Howard Hughes Pkwy., Suite 1000
4 Las Vegas, NV 89169
Tel. (702) 257-1483
5 Email: wwa@h2law.com
Email: jwf@h2law.com

6 Eleanor M. Yost, Esq.
7 Admitted *pro hac vice*
Mac R. McCoy, Esq.
8 Admitted *pro hac vice*
CARLTON FIELDS, P.A.
9 4221 W. Boy Scout Blvd., Suite 1000
Tampa, FL 33607
10 Tel. (813) 229-4395
Email: eyost@carltonfields.com
11 Email: mmccoy@carltonfields.com

12 Morgan A. Klein, Esq.
Admitted *pro hac vice*
13 CARLTON FIELDS, P.A.
405 Lexington Avenue, 36th Floor
14 New York, NY 10174
Tel. (212) 785-5203
15 Email: mklein@carltonfields.com

16 *Attorneys for Defendant*
Foundation Partners Group, LLC

17
18 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

19 AFTER SERVICES, INC., a Delaware
corporation,

20
21 Plaintiff,

22 vs.

23 FOUNDATION PARTNERS GROUP, LLC,
a Florida Limited Liability Company

24 Defendant.

Case No. 2:24-cv-01207-JCM-BNW

**STIPULATION AND ORDER TO
STAY DISCOVERY PENDING
SETTLEMENT**

(First Request)

1 Plaintiff After Services, Inc. (“Plaintiff”) and Defendant Foundation Partners Group, LLC
2 (“Defendant”) (together, the “Parties”) hereby state as follows:

3 1. The Parties have reached an agreement to settle this case and filed a Stipulation
4 and Proposed Final Judgment and Permanent Injunction by Consent on June 27, 2025 (ECF No.
5 98) (the “Proposed Final Judgment”) that remains pending before the Court. In order to finalize
6 their settlement, the Parties hereby agree and stipulate, and respectfully request the Court’s
7 permission, to stay discovery while the Court reviews the Parties’ Proposed Final Judgment. In
8 support of their joint request to stay, the Parties further state as follows:

9 2. “A court’s power to stay proceedings is incidental to its inherent power to manage
10 its docket.” *Stephens v. Comenity, LLC*, 287 F. Supp. 3d 1091, 1096 (D. Nev. 2017) (citing *Landis*
11 *v. N. Am. Co.*, 299 U.S. 248, 254-55, 57 S. Ct. 163, 81 L. Ed. 153 (1936)). “Proceedings may be
12 stayed ‘pending resolution of independent proceedings which bear upon the case.’” *Id.* at 1096-
13 97 (citing *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979)). “In
14 determining whether a stay is appropriate, a court ‘must weigh competing interests and maintain
15 an even balance.’” *Id.* at 1097 (citing *Landis*, 299 U.S. at 254-55); *see also Lockyer v. Mirant*
16 *Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). “These competing interests include: (1) possible
17 damage resulting from granting a stay; (2) hardship or inequity to a party if the proceedings go
18 forward; and (3) simplification or complication of issues, proof and questions of law from a stay.”
19 *Id.* (citing *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

20 3. In this case, the first factor favors the requested stay, as the Parties foresee little to
21 no damage resulting from their request and substantial damage if the request is not granted. The
22 Parties have finalized their settlement, but if the current schedule remains in place they will be
23 required to complete fact and expert discovery in the next few weeks, which would entail taking
24 certain fact depositions, the service of initial and rebuttal expert disclosures, and expert
25 depositions.

26 4. The second factor also favors the requested stay, as, absent a stay, the Parties each
27 face hardship from the continued burden and expense of this litigation, which has been substantial.

28 5. The third factor is neutral as the Parties do not believe the requested stay would

simplify or complicate the issues to be litigated or bear upon any issue of proof or law to be presented at trial.

IT IS SO AGREED AND STIPULATED:

By: /s/ Jonathan W. Fountain
Jonathan W. Fountain, Esq.
Nevada Bar No. 10351
HOWARD & HOWARD ATTORNEYS, PLLC
3800 Howard Hughes Pkwy, Suite 1000
Las Vegas, NV 89169
Tel. (702) 257-1483
Email: jwf@h2law.com

Eleanor M. Yost, Esq.
Mac R. McCoy, Esq.
CARLTON FIELDS, P.A.
4221 W. Boy Scout Blvd., Suite 1000
Tampa, FL 33607
Tel. (813) 229-4395
Email: eyost@carltonfields.com
Email: mmccoy@carltonfields.com

Morgan A. Klein, Esq.
CARLTON FIELDS, P.A.
Chrysler Building
405 Lexington Avenue, 36th Floor
New York, New York 10174
Tel. (212) 785-2577
Email: mklein@carltonfields.com

*Attorneys for Defendant
Foundation Partners Group, LLC*

By: /s/ Samuel Castor
F. Christopher Austin, Esq.
Nevada Bar No. 6559
Samuel Castor, Esq.
Nevada Bar No. 11532
Scott Whitworth, Esq.
Nevada Bar No. 15671
LEX TECNICA, LTD.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Tel. (725) 239-8413
Email: chris@lextecnica.com
Email: sam@lextecnica.com
Email: scott@lextecnica.com

*Attorneys for Plaintiff
After Services, Inc.*

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 7/3/2025